

FILE

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PUCO

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February 20, 2007

Public Utilities Commission of Ohio
PUCO Docketing
180 E. Broad Street, 10th Floor
Columbus, Ohio 43215

In re: Case No. 06-986-EL-UNC, 03-93-EL-ATA, et. al.

Dear Sir/Madam:

Please find enclosed an original and twenty (20) copies of the Notice of Withdrawal of Kroger's Co. Motion to Limit Scope of OCC Deposition filed in the above-referenced matter.

Copies have been served on all parties on the attached certificate of service. Please place this document of file.

Respectfully yours,



Michael L. Kurtz, Esq.
Kurt J. Boehm, Esq.
BOEHM, KURTZ & LOWRY

MLKkew
Encl.

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CERTIFICATE OF SERVICE

I hereby certify that true copy of the foregoing was served by electronic mail (when available) and regular U.S. mail, this 20th day of February 2007 to the following:

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**BEFORE THE
PUBLIC UTILITIES COMMISSION OF OHIO**

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In The Matter Of The Application Of Duke Energy Ohio To Modify Its Market-Based Standard Service Offer	:	Case No. 06-986-EL-UNC
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In The Matter Of The Application Of The Cincinnati Gas & Electric Company To Modify Its Non-Residential Generation Rates To Provide For Market-Based Standard Service Offer Pricing And To Establish An Alternative Competitively Bid Service Rate Option Subsequent To Market Development Period	:	Case No. 03-93-EL-ATA
	:	
In The Matter Of The Application Of Cincinnati Gas & Electric Company For Authority To Modify Current Accounting Procedures For Certain Costs Associated With The Midwest Independent Transmission System Operator	:	Case No. 03-2079-EL-AAM
	:	
In The Matter Of The Application Of Cincinnati Gas & Electric Company For Authority To Modify Current Accounting Procedures For Capital Investment In Its Electric Transmission And Distribution System And To Establish A Capital Investment Reliability Rider To Be Effective After The Market Development Period	:	Case No. 03-2081-EL-AAM Case No. 03-2080-EL-ATA
	:	
In The Matter Of The Application Of Duke Energy Ohio, Inc. To Modify Its Fuel And Economy Purchased Power Component Of Its Market-Based Standard Service Offer	:	Case No. 06-1068-EL-UNC
	:	
In The Matter Of The Application Of The Cincinnati Gas & Electric Company To Modify Its Fuel And Economy Purchased Power Component Of Its Market-Based Standard Service Offer	:	Case No. 05-725-EL-UNC
	:	
In The Matter Of The Application Of Duke Energy Ohio, Inc. To Adjust And Set Its System Reliability Tracker	:	
	:	
In The Matter Of The Application Of Duke Energy Ohio, Inc. To Adjust And Set Its System Reliability Tracker Market Price	:	Case No. 06-1069-EL-UNC
	:	
In The Matter Of The Application Of Duke Energy Ohio, Inc. To Adjust And Set The Annually Adjusted Standard Service Offer	:	Case No. 05-724-EL-UNC
	:	
	:	Case No. 06-1085-EL-UNC
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**NOTICE OF WITHDRAWAL OF
KROGER'S MOTION TO LIMIT SCOPE OF OCC DEPOSITION**

On February 8, 2007, the Kroger Co. filed its Motion to Limit Scope of the OCC Deposition filed in the above referenced cases. Counsel has resolved this matter with OCC and there is no need for the Hearing Examiner to rule on this matter. Kroger's Motion is withdrawn without prejudice.

Respectfully submitted,



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February 20, 2007